

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK PETER DIGIOVANNANGELO,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 10-5401
	:	
v.	:	
	:	
MICHAEL ASTRUE,	:	
	:	
Commissioner of Social Security.	:	

**ORDER**

**AND NOW**, this 7th day of September 2011, upon consideration of Plaintiff's Motion in Support of Request for Review (Doc. No. 7), Defendant's Response to Request for Review of Plaintiff (Doc. No. 8), and Plaintiff's Reply (Doc. No. 9), and after a review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin (Doc. No. 11), it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 11) is **APPROVED and ADOPTED**.
2. Plaintiff's Motion in Support of Request for Review (Doc. No. 7) is **GRANTED** and the decision of the Commissioner of the Social Security Administration is **REVERSED** to the extent that the case is **REMANDED** to the Commissioner pursuant to the fourth and sixth sentences of 42 U.S.C. 405(g) for further proceedings consistent with United States Magistrate Judge Henry S. Perkin's Report and Recommendation. Plaintiff's Motion in Support of Request for Review is **DENIED** in all other respects.
3. **JUDGMENT IS ENTERED** in favor of Plaintiff, reversing the decision of the

Commissioner for the purpose of this remand only.

4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.